

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE:

BOYT REALTY CO.
DEBTOR

§
§
§
§

CASE NO. 93-11111

TRUSTEE'S MOTION FOR AUTHORITY TO
TRANSMIT UNCLAIMED FUNDS
(Unknown Owners)

TO THE HONORABLE JUDGE OF THE COURT:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET ANY MATTER FOR HEARING.

COMES NOW, STEPHEN J. ZAYLER, the duly appointed Trustee in the above captioned proceeding, and would respectfully show the Court as follows:

1. By Order dated August 17, 1998, in Adversary Number A-97-1080, the Court authorized the Trustee to sell all of the property ownership interest of this Bankruptcy Estate as well as any Co-owner interest in all real property located in Galveston County, Texas, in which the Bankruptcy Estate held an interest, free and clear of all interests, liens, claims, causes of action, encumbrances, rights, entitlements or interests of any kind under the provisions of *11 U.S.C. § 363(b)(f) and (h)*.

2. This Court entered the following Orders authorizing sales of real property out of the Samuel Parr Survey, Galveston County, Texas, totaling \$1,775,057.16:

January 11, 2000	379.8 ac.	\$645,660.00	to John DaFonte
April 19, 2000	105.266 ac.	26,316.00	U.S.Army Corp of Engineers
August 12, 2001	614.62 ac.	370,000.00	Houston Audubon Society
July 15, 2003	644.799 ac.	508,400.00	Houston Audubon Society
July 31, 2003	31 Lots	13,000.00	William Murphy, et ux
February 26, 2004	29.88 ac.	65,000.00	Bolivar Holdings, LLC
February 26, 2004	42 Lots	21,000.00	Galveston County
February 26, 2004	Blks. 440 & 464	90,681.16	Bolivar Holdings, LLC
January 21, 2005	1289 Lots	35,000.00	Bolivar Holdings, LLC

3. The Court has further entered various Orders authorizing the distribution to non-debtor third-party owners their respective ownership interests. (See Court Docket Numbers 240, 262, 397, and 445)

4. After years of research by the Chapter 7 Trustee, information from records provided by the Debtor, information provided by interested non-debtor third party owners and Stewart Title Company, a portion of the undivided non-debtor ownership interest remains unknown.

5. Trustee hereby requests this Court to authorize him to tender into the Registry of the Bankruptcy Court, the ownership interest of all unknown owners in the amount of \$14,495.04, to allow the interested parties an opportunity to assert their various claims of entitlement to the funds.

Respectfully submitted,

STEPHEN J. ZAYLER
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By: /s/ Stephen J. Zayler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was forwarded to the following parties by electronic transmission or by depositing the same in the United States Mail on this the 4th day of May, 2005.

/s/ Stephen J. Zayler